

October 25, 2012

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
225 12th Street, S.W.
Washington, DC 20554

Re: *Ex Parte* Presentation, WT Docket Nos. 12-70 and 04-356, ET Docket No. 10-142

Dear Ms. Dortch:

By this letter, CTIA – The Wireless Association® (“CTIA”) hereby responds to the October 9, 2012 filing by the United States GPS Industry Council (“USGIC”) requesting that the Commission adopt GPS-specific technical requirements in its ongoing AWS-4 proceeding.¹ Specifically, USGIC asks the Commission to adopt OOB limits specified by USGIC in its forthcoming Report and Order in this proceeding.² CTIA urges the Commission to reject this call for unnecessary and burdensome regulation of commercial services.

CTIA has been supportive of protecting GPS operations from interference, where directly adjacent spectrum operations may raise the potential for harmful interference.³ However, there is no need for Commission action or GPS-specific regulation in this instance. Contrary to past proceedings, including the LightSquared proceeding where commercial operations were in proximity to GPS receiving devices, the spectrum at issue in this proceeding is located much farther – literally hundreds of megahertz away – from GPS operations. GPS operations, located at 1559-1610 MHz band, are over 400 MHz away from the lowest point of the proposed AWS-4 spectrum located at 2000-2020 MHz. Given this wide separation, it is highly unlikely transmitters operating in AWS-4 spectrum pose any interference risk to GPS.

More important, the proposed $43 + 10 \log_{10}(P)$ dB of attenuation proposed in the AWS-4 *NPRM* is completely consistent with past FCC regulation of out of band emissions – and has not led to any reports of harmful interference.⁴ For example, the spectrum band initially licensed as

¹ Letter from Stephen D. Branch, Counsel for the United States GPS Industry Council to Marlene H. Dortch, Secretary, FCC, WT Docket No. 12-70 (Oct. 9, 2012).

² *Id.*

³ See, e.g., Comments of CTIA – The Wireless Association®, IB Docket No. 11-109 (Feb. 27, 2012).

⁴ See Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands; Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz; Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands; WT Dkt. No. 12-70, ET Dkt. No. 10-142, WT Dkt. No. 04-356; *Notice of Proposed Rulemaking and Notice of Inquiry*, FCC 12-32 (rel. March 21, 2012 (“AWS-4 *NPRM*”) at ¶33.

Advanced Wireless Service (“AWS-1”) has out of band emission limits governed by Section 27.53(h), which limits the power of any emission outside the licensed frequency block to the exact same $43 + 10 \log_{10}(P)$ dB amount proposed by the FCC for the AWS-4 band.⁵ Moreover, the AWS-1 band begins at 1710 MHz which is a great deal closer spectrally (nearly 300 megahertz) than the AWS-4 band and yet there has not been a single complaint of interference from AWS operations into GPS receivers. Thus, it is not surprising that the U.S. GPS Industry Council previously had affirmatively stated that commercial operations in the 2 GHz Mobile Satellite Service Band are acceptable from an interference perspective.⁶

While CTIA notes that the incumbent licensee has agreed to GPS-specific limits,⁷ CTIA notes, as described above, that such limits are not required for the protection of GPS services. While parties to this proceeding are entitled to enter into commercial agreements, FCC codification of unnecessary rules is neither required nor would constitute good precedent in this instance. For these reasons, CTIA encourages the Commission to decline to adopt unnecessary and inappropriate regulation of commercial services. The proposed limits on power outside the licensed frequency block proposed in the *AWS-4 NPRM* are completely consistent with other AWS spectrum regulations and have not resulted in a single instance of interference to GPS operations.

Pursuant to Section 1.1206 of the Commission’s rules, 47 C.F.R. § 1.1206, this letter is being electronically filed via ECFS. Please direct any questions to the undersigned.

Sincerely,

/s/ Christopher Guttman-McCabe

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⁵ See 47 C.F.R. §27.53(h). Indeed, the Commission in the *AWS-4 NPRM* proposed to simply modify this rule section to add the AWS-4 spectrum as covered by this rule. See *AWS-4 NPRM* at ¶33.

⁶ Comments of the U.S. GPS Industry Council, IB Docket No. 11-149, at 2 (Oct. 17, 2011) (“Importantly, it appears that introducing the operation of a terrestrial mobile broadband service of the type envisioned by New DBSD and TerreStar in the 2 GHz MSS/ATC bands should be able to occur without posing a significant threat of harmful interference to receivers operating with the U.S. Global Positioning System (‘GPS’) in the radionavigation-satellite service allocation in the 1559-1610 MHz band.”).

⁷ See Joint Filing of DISH Network Corporation and the United States GPS Industry Council, WT Docket No. 12-70 (Sept. 27, 2012).